

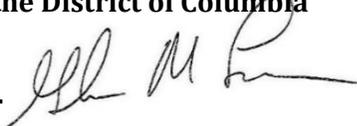
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: March 23, 2023

SUBJECT: Fiscal Impact Statement – “Fiscal Year 2024 Budget Support Act of 2023”

REFERENCE: Draft Bill as provided to Office of Revenue Analysis, March 22, 2023

Conclusion

Funds are sufficient in the proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the Fiscal Year 2024 Budget Support Act of 2023.

The District’s proposed fiscal year 2024 budget includes \$10.6 billion in Local fund spending supported by \$10.6 billion of local resources, with an operating margin of \$0.5 million. The estimated expenditures for the proposed General Fund budget, which includes dedicated taxes and special purpose fund revenue in addition to Local funds, are \$12 billion.

The proposed budget and financial plan accounts for the expenditure and revenue implications of the bill.

The bill, the “Fiscal Year 2024 Budget Support Act of 2023,” is the legislative vehicle for adopting statutory changes needed to implement the District’s proposed budget and financial plan for the fiscal years 2024 through 2027. The following pages summarize the purpose and the impact of each subtitle.

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TITLE I – GOVERNMENT DIRECTION AND SUPPORT

Subtitle (I)(A) – Office of the Chief Technology Officer Amendment Act of 2023

Background

The Office of the Chief Technology Officer (OCTO) directs the District government’s information technology strategies and the implementation of technology services for District agencies. OCTO also leads programs to expand access to high-speed internet throughout the District.

The subtitle expands OCTO’s statutory functions to include protecting the confidentiality, integrity, and availability of the District government’s information technology systems, assets, and related information. OCTO should protect these resources from cyberattacks and breaches and detect, mitigate, defend, remediate, and respond to these attacks. The subtitle requires OCTO to appoint a Chief Information Security Officer to lead these efforts and to develop District government-wide risk management and compliance program.

The subtitle authorizes OCTO to charge fees to providers in support of OCTO’s efforts to expand high-speed internet access to all residents and visitors. The subtitle also allows OCTO to continue its efforts to promote innovative technologies and technology-enabled solutions in the District beyond efforts that were funded by the federal American Rescue Plan Act.¹

The subtitle clarifies that OCTO’s authorities extend to all District government agencies, including independent agencies, except for the existing exceptions for the Council, District of Columbia Auditor, and Office of the Attorney General. The subtitle maintains an allowance for these entities to enter into agreements with OCTO as needed.

Financial Plan Impact

OCTO implements security measures for the District’s information technology systems, assets, and related information and there are no costs to making these efforts part of OCTO’s statutory functions. OCTO has a Chief Information Security Officer that is funded in the fiscal year 2024 through fiscal year 2027 budget and financial plan.

The subtitle gives OCTO the authority to charge fees to third parties to utilize OCTO infrastructure. OCTO does not have agreements in place and is not currently charging fees and the fiscal year 2024 through fiscal year 2027 budget and financial plan does not recognize any revenues for these potential activities.

Subtitle (I)(B) – Rollback of Pandemic-Related Situational Telework Arrangements and Establishment of Standards for Post-Pandemic Telework Arrangements Amendment Act of 2023

Background

The subtitle amends the District of Columbia Government Comprehensive Merit Personnel Act of 1978² (CMPA) to authorize each agency and personnel authority to implement telework policies, but requires that the agency’s policy allow no more than 2 days of telework per workweek (with lower

¹ Approved March 11, 2021 (Public Law 117-2; 135 Stat. 4).

² Effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01).

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amounts required if the employee's workweek is fewer than 5 days). In certain circumstances that the Mayor deems are in the public interest, the Mayor may authorize a greater number of telework days, such as for specific pilot programs and to attract employees for hard-to-fill positions. The subtitle would also impose administrative requirements for an employee to engage in telework, including that the employee enter into a written telework agreement with the agency. In addition, each personnel authority would be required to submit an annual telework report to the Mayor and the Council. Further, the Department of General Services (DGS) would be authorized to reallocate agency space allocations based on an analysis showing a reduced need for space due to employee teleworking.

Financial Plan Impact

The subtitle has no impact on the proposed budget and financial plan. There is no cost to the subtitle's administrative requirements around telework.

TITLE II – ECONOMIC DEVELOPMENT AND REGULATION

Subtitle (II)(A) – Land Purchase Partnership Program Act of 2023

Background

The subtitle creates a new program called the Land Purchase Partnership Program, which is expected to be managed through the Department of Housing and Community Development. The subtitle authorizes the Mayor to purchase real property for affordable housing, using funds separate from the Housing Production Trust Fund, and to enter into a ground lease with an owner or developer of residential housing on the land, provided that at least 50 percent of the housing units on the land are affordable to households earning 80 percent or less of the median family income. A ground lease through the program would not be subject to the standard approval process³ for disposition of District property. The subtitle authorizes the Mayor to establish rules for the program and impose fees for administration of the program, but does not set specific fees.

Financial Plan Impact

The subtitle authorizes the Mayor to purchase real property under the new program, but there is no funding in the proposed budget and financial plan for the program.

Subtitle (II)(B) – District of Columbia Low-Income Housing Tax Credit Amendment Act of 2023

Background

The District of Columbia Low-Income Housing Tax Credit (DC LIHTC) Clarification Amendment Act of 2020 permanently established a DC LIHTC to support the development and preservation of affordable housing. The DC LIHTC is set equal to 25 percent of the federal LIHTC and the credit can be applied against either District franchise taxes or insurance taxes.

The DC LIHTC can be claimed against taxes as soon as a development property is placed in service (and meet certain other criteria), and the credit can be claimed for 10 years. The federal LIHTC, established in the Tax Reform Act of 1986, is provided to state and District housing agencies (DCHD and the District of Columbia Housing Finance Agency) which allot it to developers of eligible properties. The total amount of federal LIHTC to DC is based on the Federal statutory minimum for LIHTC (9 percent LIHTC), plus an additional amount (4 percent LIHTC) that varies based on eligible developments covered by the private activity bond cap.⁴

The subtitle delinks the DC LIHTC from the federal LIHTC and creates separate criteria for the DC LIHTC. Properties under the new DC LIHTC standard would be required to have more than five units and make units affordable to tenants at an income level no greater than 80 percent of Median Family

³ An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*)

⁴ The private sector bond cap is a limit set in the Internal Revenue Code on the total of private-sector projects that a state or municipality can finance with tax-exempt bonds. DC’s cap amount is set at the statutory minimum, which is updated each year by the Chained Consumer Price Index for All Urban Consumers (Chained CPI) and national population. DC receives the statutory minimum for 9 percent LIHTC, which is also updated each year by Chained CPI and national population.

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Income (MFI). DHCD intends to operate the new DC LIHTC as a competitive award and would apply requirements regarding affordability durations and income limits through the award process.

The February revenue estimates⁵ incorporate the effect of the existing DC LIHTC provision. The revenue effect is based on assumptions regarding the specific funded projects, construction and rehabilitation timelines, actual costs, and investor claiming behavior. The revenue estimates assume that credits available each year will start affecting the revenue estimates three years later, and that filers will claim the credits for 10 years.

The subtitle sets the amount of DC LIHTC the DHCD may award in 2024 equal to \$7.8 million, the same amount that developers are projected to have available under existing law. The amount available for DHCD to award would increase to \$8.4 million in FY 2025, \$8.8 million in FY 2026, \$9.3 million in FY 2027, and grow by 5% in 2028 and later.

Financial Plan Impact

Because the subtitle sets the 2024 DC LIHTC award amounts equal to the projected amount available to developers under current law, there is no cost to the subtitle. Credits made available in FY 2025 and later will affect the revenue estimates starting in FY 2028, outside the budget and financial plan.

Subtitle (II)(C) – Home Purchase Assistance Program Amendment Act of 2023

Background

The Home Purchase Assistance Program (HPAP)⁶ provides interest free loans and closing cost assistance to eligible homebuyers in the District. The subtitle makes two technical changes to HPAP laws. The first change clarifies that approved applicants may be given less than the maximum \$70,000 in authorized assistance. Current law⁷ does not authorize less than the maximum in assistance. The second change removes a requirement⁸ that contract administrators of the program must receive equal funding. The Department of Housing and Community Development indicates the nature of the assistance program is such that different amounts are granted to individuals, and this makes it difficult to ensure equal funding is provided to all contractors managing the funds. Removing the requirement will allow some administrative flexibility.

Financial Plan Impact

The subtitle does not have an impact on the budget and financial plan. Allowing less than the maximum assistance to applicants does not have an impact on the budget and financial plan, and could free up funding for additional applicants. Removing the requirement that all contract administrators of the program manage the same level of funding does not affect the amount of funding spent overall, so has no impact on the budget and financial plan.

⁵ [02.28.23 February 2023 Revised Estimates for FY 2023 - 2027 | ocfo \(dc.gov\)](https://ocfo.dc.gov)

⁶ <https://dhcd.dc.gov/service/home-purchase-assistance-program>

⁷ D.C. Official Code § 42-2602.01(a)(2).

⁸ D.C. Official Code § 42-2602.01(e)(1)(b).

Subtitle (II)(D) – Housing Production Trust Fund Amendment Act of 2023

Background

The subtitle authorizes purchase of property containing (or planned to contain) affordable⁹ or inclusionary¹⁰ residential units, using Housing Production Trust Fund (“HPTF”) funding. The Department of Housing and Community Development (DHCD) intends to use the authority to purchase properties that might otherwise revert to market rate units, helping to preserve their affordability. Once a property is purchased, DHCD will resell the properties to qualified individuals. The subtitle directs proceeds from the sale to be deposited into the HPTF.

Financial Plan Impact

The subtitle does not have an impact on the budget and financial plan. The subtitle authorizes purchases using the Housing Production Trust Fund, but purchases cannot exceed available funds. Revenues from any resale of properties must be deposited into the HPTF.

Subtitle (II)(E) – Tax Abatements for Affordable Housing in High-Need Areas Amendment Act of 2023

Background

The Mayor is authorized to certify property tax abatements for qualifying housing developments in areas designated as having a high need for affordable housing and that meet certain conditions, including setting rents for one-third of the units to be affordable to renters earning up to 80% of the median family income¹¹. The subtitle increases, beginning in fiscal year 2025, the amount of tax abatements the Mayor is authorized to provide through a competitive process from \$4 million in current law to \$6 million. The subtitle also amends the high-need areas so that the Upper Northeast and Rock Creek East planning areas may only qualify through the competitive process.

Financial Plan Impact

The fiscal year 2024 through fiscal year 2027 financial plan includes the following revenue loss associated with the subtitle’s increased tax abatement authorization:

Tax Abatements for Affordable Housing in High-Need Areas Amendment Act					
(\$ thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Property Tax Revenue (Loss)	0	(\$2,000)	(\$2,000)	(\$2,080)	(\$6,080)

Subtitle (II)(F) – Direct Cash Assistance Program Amendment Act of 2023

Background

The Fiscal Year 2022 Budget Support Act of 2021¹² amended the grantmaking authority and provided \$1.5 million in one-time funds for the Office of the Deputy Mayor for Planning and Economic

⁹ The subtitle defines affordable as a dwelling offered for rent or sale for residential occupancy and is available to those with household income equal to or less than 120 percent of area median income.

¹⁰ D.C. Official Code § 6-1041.01(3).

¹¹ D.C. Official Code § 47-860

¹² D.C. Law 24-0045, 68 DCR 12567.

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Development (DMPED)¹³ to issue grants to a nonprofit entity (or entities) for the purpose of running a direct, unrestricted cash assistance pilot or program. DMPED has used these funds for an initiative—Strong Families, Strong Future DC—that provides direct cash payments to new and expectant mothers in certain areas of the District to support economic mobility and maternal health.¹⁴

The subtitle gives DMPED permanent grantmaking authority to expand direct cash assistance programs or pilots.

Financial Plan Impact

The budget and financial plan for DMPED includes a one-time enhancement of \$1 million in FY 2024 to implement the subtitle. There is no cost to excluding the payments for determining recipient eligibility for public assistance.

Subtitle (II)(G) – Housing in Downtown Abatement Amendment Act of 2023

Background

The Tax Abatements for Housing in Downtown Act of 2022 allows the Mayor to approve tax abatements for certain real property that is undergoing a change in use from commercial to residential (that results in at least 10 residential units). Properties eligible for the tax abatements must set aside at least 15 percent of units be affordable to households earning 60 percent or less of the median family income (MFI) for a period of 20 years. Eligible properties must be in a geographic area defined in law and guidance and generally corresponding to the NW central business district bordered by Massachusetts Ave NW and Constitution Ave NW.¹⁵

Other requirements for applicable developments include using a First Source Agreement (which sets certain thresholds of District employment for development and construction projects), meeting Inclusionary Zoning requirements for affordable housing and bringing the property online in specific timeframes. The total amount of the abatements that the Mayor may approve in the current law, across all sites is capped, set at \$2.5 million for each of years 2024-2026, \$6.8 million in 2027, and growing by 4 percent in 2028 and later.

This subtitle changes the minimum affordability requirements to:

- At least 8 percent of the housing units are affordable to households earning 60 percent or less of median family income; or
- At least 15 percent of the housing units are affordable to households earning 80 percent or less of median family income.

The subtitle eliminates the First Source Agreement requirement and suspends the Tenant Opportunity to Purchase Act (TOPA)¹⁶ for these properties for 15 years. The subtitle increases the annual 2028 cap for tax abatements under this section to \$41 million. Each subsequent year (2029 and later) would grow from the previous year’s level by 4 percent.

¹³ D.C. Law 19-168, D.C. Official Code § 1-328.04.

¹⁴ Strong Families, Strong Future DC is administered via a grant to Martha’s Table and provides \$900 per month to enrolled new and expectant mothers in Wards 5, 7, and 8.

¹⁵ <https://dmped.dc.gov/page/housing-downtown-tax-abatement-overview-%E2%80%93-january-2023>

¹⁶ Effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.01 et seq.).

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Financial Plan Impact

There is no impact of the subtitle on the budget and during the financial plan period (fiscal year 2024-fiscal year 2027). The subtitle makes no changes to the annual cap on tax abatements for downtown housing for 2024 (\$2.5 million), 2025 (\$2.5 million), 2026 (\$2.5 million) and 2027 (\$6.8 million). Outside of the financial plan, the subtitle increases the annual cap for 2028 from \$7.072 million under current law to \$41 million. The annual cap would grow by 4 percent each year thereafter.

Subtitle (II)(H) – Creative and Open Space Modernization Amendment Act of 2023

Background

Since 2017¹⁷, companies operating in the District in certain industries may apply for and be awarded tax rebates for Creative and Open Space Modernization investments, such as property improvements, purchase of heavy equipment to be used on-site, or other enhancements. The Office of the Deputy Mayor for Public and Economic Development (DMPED) administers this program through a competitive award process. Qualifying investments must provide a tangible public benefit to the District, such as educational or training opportunities, free- or reduced-price services or products to eligible District residents, or employment opportunities for District residents. Eligible companies are those that meet the criteria of a Qualified High Technology Company.¹⁸

This subtitle expands the sectors that are eligible for Creative and Open Space Modernization tax rebates to sectors identified as priority industries in the District’s Economic Development Strategy.¹⁹ Those target sectors are: 1) education and research, 2) consulting services, 3) communications and design, 4) hospitality, tourism and entertainment, 5) life sciences and health tech, and 6) technology.²⁰

Financial Plan Impact

The proposed budget and financial plan includes one-time funding in fiscal year 2024 of \$1.5 million for Creative and Open Space Modernization rebates.

Subtitle (II) (I) – Office of Public-Private Partnerships Fund and Budget Amendment Act of 2023

Background

The Office of Public Private Partnerships (the Office) was established in 2014 to develop and facilitate partnerships between District agencies and private-sector entities to build and deliver projects that meet infrastructure needs or address other public priorities. The Office is under the jurisdiction of the Office of the Deputy Mayor for Public and Economic Development.

¹⁷ Creative and Open Space Modernization Amendment Act of 2016, D.C. Official Code § 47-4665.

¹⁸ QHTCs must be for-profit entities with two or more employees and have 51% of their revenues in one of 5 broad categories of high technology services. The Creative and Open Space modernization rebates are also available to companies with 51% of their revenues in the sale or advertising of original media content.

¹⁹ [DMPED – 2023-27 Economic Strategy \(dc.gov\)](https://dmped.dc.gov/sites/default/files/dc/sites/dmped/page_content/attachments/DC%27s%20Comeback%20Plan_Full1923.pdf)

²⁰DC’s Comeback Plan:

https://dmped.dc.gov/sites/default/files/dc/sites/dmped/page_content/attachments/DC%27s%20Comeback%20Plan_Full1923.pdf

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The subtitle removes²¹ the language establishing a special fund for the Office’s operations and deletes a section on issuing a request for information (RFI) prior to a bid solicitation.

Financial Plan Impact

There is no impact from the subtitle on the budget and financial plan.

Subtitle (II) (I) – Tourism Recovery Tax Amendment Act of 2023

Background

Since 2017²², gross receipts from transient lodgings or accommodations have been subject to a dedicated tax of 0.3 percent, which is transferred to Destination DC to fund marketing and promotion activities. On Jan 19, 2023, a temporary bill was enacted that would increase this tax to 1.3 percent between April 1, 2023 through March 31, 2027. Like the existing 0.3 percent tax, the increment would be dedicated to Destination DC to promote the District as a travel destination and to support tourism recovery.

The subtitle would make permanent the changes to the law to increase the tourism recovery tax to 1.3 percent from April 1, 2023, through March 31, 2027. The subtitle would also require Destination DC to consult with and enter into a memorandum of understanding with the Mayor regarding the use of the tax revenue.

Financial Plan Impact

The estimated collections from the 1% increase in the lodging tax increase are shown below. These collections were assumed in the February 2023 revenue estimate, per the temporary law. Thus, the proposed budget incorporates no additional revenue from the subtitle.

Tourism Recovery Tax Dedicated Sales Tax (\$ thousands)					
	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenue Impact	\$11,152 ¹	\$21,305	\$23,487	\$24,526	\$11,489 ¹

Table notes:

1. The tax is only in effect for half of the fiscal years 2023 and 2027.

Subtitle (II) (K) – Office of Cable Television, Film, Music and Entertainment Act of 2023

Background

The Office of Cable Television, Film, Music and Entertainment (OCTFME) produces and broadcasts programming for public and government access channels and media platforms; regulates cable service providers in the District; and promotes and markets the District as a location for creative business development and commercial production activity. The subtitle expands OCTFME’s role to include other content platforms and would add implementing the plan to support, preserve and archive go-go music and its history²³ to their statute.

²¹ By amending Sections 105 and 106 of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code §§ 2-272.03 and 2-272.04)

²² Dec. 13, 2017, D.C. Law 22-33, § 7242(b), 64 DCR 7652.

²³ As required by section 3 of the Go-Go Official Music of the District of Columbia Designation Act of 2020, effective April 11, 2020 (D.C. Law 23-71; D.C. Official Code § 1-167.02).

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Financial Plan Impact

The subtitle clarifies the scope of OCTFME’s authority. There is no impact from the subtitle on the budget and financial plan.

TITLE III – PUBLIC SAFETY AND JUSTICE

Subtitle (III)(A) – Criminal Investigation Functions Amendment Act of 2023

Background

The Department of Forensic Sciences (DFS) provides forensic and crime scene services for agencies located in the District of Columbia, including the Metropolitan Police Department (MPD), the Office of the Chief Medical Examiner, the Fire and Emergency Medical Services Department, and other investigative or public health agencies upon request. DFS has not been able to conduct certain services—including firearm, DNA, and fingerprint analyses—since the American National Standards Institute National Accreditation Board suspended the accreditation of all DFS forensic units. Without accreditation, DFS contracts with other labs to provide such services and MPD conducts crime scene and forensic technology services that fall under their jurisdiction.

The subtitle²⁴ adds language that defines the specific crime scene activities performed by MPD to include:

- Crime scene investigations, including evidence gathering;
- Training regarding the collection and preservation of forensic evidence;
- Digital forensics, including computer forensics;
- Firearms test fires and data entry; and
- Forensic photography.

The subtitle provides authority for DFS to transfer relevant materials, assets, or equipment to MPD to carry out these activities.

Financial Plan Impact

The budget and financial plan includes a transfer from DFS to MPD of \$10,086,679 and 82 full time equivalent positions in fiscal year 2024 to carry out the subtitle.

Subtitle (III)(B) – Safe Passages Implementation Amendment Act of 2023

Background

The Safe Passage Program works toward ensuring students can travel to and from school safe from threats of violence, intimidation, and other public safety concerns. The Deputy Mayor for Education (DME) manages the program, gathers relevant data, supports the development of the Safe Streets for Students Master Plan, manages the School Safety and Safe Passage Working Group, and issues grants for the Safe Blocks Program. DME must coordinate with various agencies across the District on these efforts and annually report to Council on its safe passage efforts and grant programs.²⁵

The subtitle transfers oversight and management of the Safe Passage Program from DME to the Deputy Mayor for Public Safety and Justice (DMPSJ). The subtitle maintains DME’s expert involvement in planning and working group efforts, but otherwise establishes DMPSJ as the lead entity for all efforts.

²⁴ By amending The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 et seq.).

²⁵ The Safe Passage Program was recently codified through the Safe Streets for Students Amendment Act of 2022, effective March 10, 2023 (D.C. Law 24-285; 70 DCR 998).

Financial Plan Impact

The fiscal year 2024 budget contains approximately \$3.8 million for DMPSJ to manage the Safe Passage Program and issue grants under the Safe Blocks Program.

Subtitle (III)(C) – Forensic Science Laboratory Reporting Structure Amendment Act of 2023

Background

After the Department of Forensic Sciences (DFS) forensic units lost accreditation in April 2021, the Mayor retained SNA International to conduct a study of DFS operations and propose a path for DFS to regain accreditation. The SNA report²⁶ made recommendations regarding DFS’s processes, policies, and organizational structure.

The Restoring Trust and Credibility to Forensic Sciences Amendment Act of 2022²⁷ made changes to DFS to effectuate many of the recommendations in SNA’s report. The Act would rename DFS as the Forensic Sciences and Public Health Laboratory and establish it as an independent agency within the executive branch. The Act is projected to become law on May 11, 2023. The Act is subject to appropriations and will not take effect until the costs are included in an approved budget and financial plan.

The subtitle²⁸ makes several changes to the Act regarding organizational structure and operations. The subtitle would move the Forensic Sciences and Public Health Laboratory back under the jurisdiction of the Office of the Deputy Mayor for Public Safety and Justice and it would no longer be an independent agency in the executive branch.

The subtitle changes the appointment process for the Director and the Chief Forensic Sciences Officer, providing that a Mayor’s nomination of a Director would go into effect in the absence of Council action. The subtitle removes the requirement for advice and consent of Council in naming a Chief Forensic Sciences Officer. Finally, the subtitle changes the personnel authority of Laboratory employees from the Director of the Laboratory to the Mayor and would remove the Director of the Laboratory from the list of statutory officeholders.

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. The subtitle amends the Act, but the Act is still subject to appropriations.

Subtitle (III)(D) – Sunset of the Criminal Code Reform Commission Amendment Act of 2023

Background

The DC Criminal Code Reform Commission (CCRC) was established as an advisory agency in 2016²⁹ to provide the Council and Mayor with a comprehensive assessment of the District’s criminal code, including recommendations, if necessary. The CCRC developed recommendations for the District’s criminal statute and transmitted them to the Council and Mayor in 2021. These recommendations

²⁶ [DFS Forensic Laboratory Assessment Report.pdf \(dc.gov\)](#)

²⁷ D.C. Act 24-780, 70 DCR 937.

²⁸ By amending The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 et seq.)

²⁹ The Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 et seq.).

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were subsequently passed as the Revised Criminal Code Act of 2022³⁰. The subtitle would disband the CCRC at the end of fiscal year 2023, given the completion of their work.

Financial Plan Impact

The proposed budget does not include any spending for the CCRC.

Subtitle (III)(E) - School Resource Officers Amendment Act of 2023

Background

The subtitle³¹ eliminates the statutory requirement for the Metropolitan Police Department (MPD) to reduce the School Safety Division’s (SSD) levels for sworn and civilian staffing each year and dissolve the unit by July 1, 2025. The subtitle requires MPD to publish, on their website, a description of SSD’s planned deployment of school resource officers.

Financial Plan Impact

The gradual elimination of the SSD under current law assumed that officers would be redeployed elsewhere within MPD. Thus, retaining the SSD has no impact on the budget and financial plan.

Subtitle (III)(F) - Concealed Pistol License Appeals Amendment Act of 2023

Background

Concealed pistol licenses are issued by the Metropolitan Police Department (MPD), and an individual who is denied a concealed pistol license or has an existing concealed pistol license revoked or suspended may file an appeal. The Concealed Pistol Licensing Review Board (CPLRB) within the Office of the Deputy Mayor for Public Safety and Justice receives and adjudicates those appeals.

Concealed Pistol License Appeals, calendar year				
	2020	2021	2022	2023 to date
Received appeals	145	243	191	58

Of the 191 appeals in 2022, approximately 50 percent were administratively dismissed, 30 percent were ineligible because they were untimely, incomplete, or pending criminal charges, 10 percent were reversed by MPD upon reconsideration, and about 10 percent proceeded to pre-evidentiary hearing.

The subtitle³² would move this appeals caseload to the Office of Administrative Hearings (OAH) and would disband the CPLRB, effective October 1, 2023. Cases currently pending at the CPLRB would be transferred to OAH, along with any reconsideration requests of CPLRB decisions. The subtitle also permits OAH to use CPLRB’s current administrative procedures for appeals until OAH issues new rules.

³⁰ D.C. Act 24-789, 70 DCR 1249.

³¹ By amending the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.02).

³² By amending Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03).

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Financial Plan Impact

The budget and financial plan includes an enhancement of \$217,632 in fiscal year 2024 and \$894,526 from fiscal year 2024 through fiscal year 2027 for OAH to carry out this subtitle.

Subtitle (III) (F) Concealed Pistol License Appeals					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Salary	\$180,458	\$183,525	\$186,645	\$189,818	\$740,447
Fringe benefits	\$37,174	\$38,057	\$38,961	\$39,886	\$154,079
Total	\$217,632	\$221,583	\$225,606	\$229,705	\$894,526

TITLE IV – PUBLIC EDUCATION SYSTEMS

**Subtitle (IV)(A) – Funding for Public Schools and Public Charter Schools Increase
 Amendment Act of 2023**

Background

The subtitle sets³³ the base level funding for the Uniform Per Student Funding Formula (UPSFF) at \$13,046. This is a 5.05 percent increase over fiscal year 2023. Base level funding is multiplied by the weighting for each grade level or add-on service to determine the per student funding at that level or for those services.

The subtitle requires that \$19.84 million be deposited into the Pandemic Transition Fund (Fund) and specifies how funds must be distributed in fiscal year 2024. The Fund is used to provide resources to public schools as they respond to the effects of the COVID-19 pandemic. Funding that is deposited into the Fund will be distributed in the following manner: 52.62 percent to the District of Columbia Public Schools (DCPS) and 47.38 percent to the District of Columbia Public Charter Schools (DC PCS). Individual charter schools will be awarded \$196.11 per enrolled pupil and payments must follow the same quarterly installment payment schedule that is used to make UPSFF quarterly payments. The Fund will sunset at the end of fiscal year 2024 and any remaining funds will be transferred to the General Fund.

The following tables show the base level funding at each grade level and the various add-ons:

Weightings applied to counts of students enrolled at certain grade levels		
Grade Level	Weighting	Per Student Allocation in FY 2024
Pre-Kindergarten 3	1.34	\$17,482
Pre-Kindergarten 4	1.30	\$16,960
Kindergarten	1.30	\$16,960
Grades 1-5	1.00	\$13,046
Grades 6-8	1.08	\$14,090
Grades 9-12	1.22	\$15,916
Alternative program	1.52	\$19,830
Special education school	1.17	\$15,264
Adult	0.89	\$11,872

Special Education Add-ons			
Level/ Program	Definition	Weighting	Per Student Supplemental Funds
Level 1: Special Education	Eight hours or less per week of specialized services.	0.97	\$12,655
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	1.20	\$15,655

³³ By amending The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2903 et seq.).

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Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services.	1.97	\$25,701
Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement.	3.49	\$45,531
Special Education Compliance Funding	Weighting provided in addition to special education level add-on weightings on a per-student basis for Special Education compliance.	0.099	\$1,292
Attorney’s Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per student basis for attorney’s fees.	0.089	\$1,161
Residential	DCPS or DC PCS that provides students with room and board in a residential setting, in addition to their instructional program.	1.67	\$21,786

General Education Add-ons			
Level / Program	Definition	Weighting	Per Student Supplemental Funds
Elementary ELL	Additional funding for English Language Learners in grades PK3-5.	0.50	\$6,523
Secondary ELL	Additional funding for English Language Learners in grades 6-12, alternative students, adult students, and students in special education schools.	0.75	\$9,785
At-Risk	Additional funding for students in foster care, who are homeless, on Temporary Assistance for Needy Families or Supplemental Nutrition Assistance Program or behind grade level.	0.24	\$3,131
At-risk High School Over-age Supplement	Additional funding beyond the existing at-risk weight for students who are behind grade level in high school.	0.06	\$783
At-risk > 40% Concentration Supplement	Weighting provided in addition to at-risk weight for the percentage of at-risk students above 40% enrolled in a school where at least 40% of the student population is at-risk.	0.05	\$652
At-risk > 70% Concentration Supplement	Weighting provided in addition to at-risk weight for the percentage of at-risk students above 70% where at least 70% of the student population is at-risk.	0.05	\$652

Residential Add-ons			
Level/ Program	Definition	Weighting	Per Student Supplemental Funds
Level 1: Special Education - Residential	Additional funding to support the after-hours Level 1 special education needs of students living in a DCPS or DC PCS that provides students with room and board in a residential setting.	0.37	\$4,827
Level 2: Special Education - Residential	Additional funding to support the after-hours Level 2 special education needs of students living in a DCPS or PCS that provides students with room and board in a residential setting.	1.34	\$17,482
Level 3: Special Education - Residential	Additional funding to support the after-hours Level 3 special education needs of students living in a DCPS or PCS that provides students with room and board in a residential setting.	2.89	\$37,703
Level 4: Special Education – Residential	Additional funding to support the after-hours Level 4 special education needs of limited and non-English proficient students living in a DCPS or DC PCS that provides students with room and board in a residential setting.	2.89	\$37,703
LEP/NEP - Residential	Additional funding to support the after-hours limited and non-English proficiency needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting.	0.668	\$8,715

Special Education Add-ons for Students with Extended School Year (ESY) Indicated in Their Individualized Education Programs (IEPs)			
Level/ Program	Definition	Weighting	Per Student Supplemental Funds
Special Education Level 1 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs.	0.063	\$822
Special Education Level 2 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs.	0.227	\$2,961
Special Education Level 3 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs.	0.491	\$6,406

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Special Education Level 4 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs .	0.491	\$6,406
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Financial Plan Impact

The 5.05 percent UPSFF base level increase will result in additional formula-driven local fund expenditures. The proposed fiscal year 2024 budget includes approximately \$2.13 billion for instructional budgets as a result of the UPSFF: \$1.13 billion for DCPS and \$1 billion for DC PCS. In addition, DC PCS will receive \$175.97 million for a facility allowances in fiscal year 2024, bringing the collective DC PCS formula-driven local fund budget to \$1.18 billion.

The DCPS fiscal year 2024 budget also includes \$3.84 million for stabilization funding, \$10.04 million for Early Stages, and \$21.93 million for IMPACT bonuses. These budget allocations fall outside the UPSFF in fiscal year 2024. The Pandemic Transition Fund includes \$19.84 million in local funding of which \$10.44 million is set aside for DCPS and \$9.40 million is set aside for DC PCS.

Subtitle (IV)(B) – Education to Employment Data System Act of 2023

Background

The subtitle establishes³⁴ a centralized data system called the P20W System in the Office of the Deputy Mayor for Education (DME) that will be used to collect, analyze, and publicize data on how well District education agencies and programs are serving District residents throughout their lifetimes. All District government agencies must cooperate with DME in the implementation of the centralized data system by sharing education data³⁵ and workforce data³⁶ to the maximum extent allowed under federal law.

Financial Plan Impact

The fiscal year 2024 capital budget includes \$1.24 million in fiscal year 2024 and \$3.48 million over the financial plan to implement the P20W System. The DME’s fiscal year 2024 budget includes \$246,000 to hire a P20W Systems Director to manage the capital project and to hire an Agency Liaison to collect data from relevant agencies. The budget also includes \$165,000 to hire a contractor with expertise in establishing centralized data systems.

³⁴ By amending Section 202 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191).

³⁵ Education data includes individual and aggregate student performance information, student progress information, academic performance data, financial aid status, college and career preparedness data, and student demographics and data by special population statuses.

³⁶ Workforce data includes data relating to participation in workforce programs and outcomes including employment information, employment-related benefits data, and workforce program participation data.

Subtitle (IV)(C) – Universal Paid Leave Implementation Fund Amendment Act of 2023

Background

Current law caps the administrative costs allowed to be expended from the Universal Paid Leave Fund³⁷. Currently, no more than 8.75 percent of money in the fund may be expended on costs for administration of the Universal Paid Leave program³⁸ by the Department of Employment Services (DOES). An additional 0.75 percent of available funding may be expended by the Office of Human Rights (OHR) for enforcement costs, and an additional 0.5 percent may be expended by the Office of Administrative Hearings (OAH).

The subtitle changes the cap on administrative costs expended by DOES to 15 percent of money deposited in the fund, defined as revenue by the Office of the Chief Financial Officer. The estimates will be deposited in the Fund during the relevant fiscal year. The subtitle does not change the amounts that may be spent by OHR or OAH.

Financial Plan Impact

Based on projected revenues to be deposited into the Universal Paid Leave Fund³⁹ the subtitle sets the maximum administrative costs the Universal Paid Leave Fund may incur to \$24.28 million in fiscal year 2024.

Subtitle (IV)(D) – Enhancing Child Care Access for Children with Disabilities Act of 2023

Background

The subtitle allows⁴⁰ the Office of State Superintendent for Education (OSSE) to make grants to child development facilities to support the costs of maintaining dedicated slots for infants, toddlers, and school-aged children with disabilities. The subtitle also establishes a referral program to place children with disabilities in dedicated grant-funded slots.

Financial Plan Impact

The subtitle expands OSSE’s grant-making authority, allowing OSSE to spend appropriated funding for grants to child development facilities providing dedicated slots for children with disabilities.

Subtitle (IV)(E) – State Board of Education Compensation Amendment Act of 2023

Background

The subtitle increases the salary of each member of the State Board of Education (SBOE) by \$5,000. Each member will receive \$20,000 annually and the president will receive \$21,000 annually. This salary will be adjusted annually moving forward by the increase in the Consumer Price Index for all Urban Consumers (all items Washington D.C. Standard Metropolitan Statistical Area average), published on January 1 of each year.

³⁷ D.C. Official Code § 32-551.01.

³⁸ <https://does.dc.gov/page/dc-paid-family-leave>

³⁹ See Office of Chief Financial Officer’s “Projected Annual Revenues and Expenditures for the Universal Paid Leave Fund” letter dated March 1, 2023.

⁴⁰ By amending Section 3 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-402(a)).

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Financial Plan Impact

The fiscal year 2024 budget includes a \$45,000 enhancement to increase the salaries of SBOE members. In total, the financial plan includes \$185,000 to implement the subtitle.

Subtitle (IV)(F) – Library Collections Account Amendment Act of 2023

Background

The Library Collections Account holds funds that are used to acquire all books and magazines, media, and other materials that are made available to District residents in public libraries. The subtitle⁴¹ would expand the scope of allowed spending from the Library Collections Account to include other types of materials that the District of Columbia Public Library (DCPL) may acquire for its collection (such as tools) and allows for purchase of equipment, supplies, and platforms that will assist with processing and cataloging DCPL materials.

Financial Plan Impact

Expanding the uses of the Library Collection Account has no effect on the budget and financial plan.

Subtitle (IV)(G) - Public Charter School Teacher Compensation Grants Amendment Act of 2023

Background

The subtitle allows⁴² OSSE to issue grants to public charter schools for the provision of direct compensation payments to teachers employed by schools after September 30, 2023, for teaching services, recruitment, and retention.

Financial Plan Impact

The fiscal year 2024 budget includes one-time funding of \$58.5 million to provide grants to public charter schools to provide compensation payments to teachers.

Subtitle (IV)(H) - Children and Youth Marijuana Education Grants Amendment Act of 2023

Background

The subtitle allows⁴³ OSSE to issue grants to local education agencies, non-profit organizations, and community-based organizations to provide education to children and youth on the impacts and risks of marijuana use and to support prevention and intervention programs.

Financial Plan Impact

This fiscal year 2024 OSSE budget includes \$250,000 in one-time funding to provide grants to local education agencies, non-profit organizations, and community-based organizations to educate students on the risks of marijuana use and to support prevention and intervention programs.

⁴¹ By amending Section 14(b) of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 39-114(b)).

⁴² By amending Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)).

⁴³ By amending Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)).

TITLE V – HUMAN SUPPORT SERVICES

Subtitle (V)(A) – Public Health Laboratory Amendment Act of 2023

Background

The Department of Forensic Science’s (DFS) Public Health Laboratory Division (PHL) tests samples in a wide variety of materials for toxins, infectious organisms, and other threats to public health. The PHL tests for bacterial and viral infections, heavy metals, toxic or volatile materials, and other hazards to public health and safety. The PHL provides clinical diagnostic testing, disease surveillance, emergency response support, applied research, laboratory training, and other essential services.

The subtitle transfers all of the authority, responsibilities, duties, assets, and functions of the PHL to the Department of Health (DC Health). The subtitle makes several conforming amendments to the D.C. Code to facilitate this transfer.

Financial Plan Impact

The fiscal year 2024 budget transfers \$4.69 million and 31 full time equivalent positions from DFS to DC Health.

Subtitle (V)(B) – Medicaid Hospital Provider Reimbursement Act of 2023

Background

The Centers for Medicare and Medicaid Services (CMS) permits states to direct specific payments made by managed care organizations (MCOs) to health care providers under certain circumstances.⁴⁴

The subtitle requires the Department of Health Care Finance (DHCF) to submit by September 30, 2023, an MCO directed payment proposal to CMS that sets minimum and maximum reimbursements for hospital inpatient and outpatient services. Specifically, the bill requires DHCF to set minimum hospital inpatient and outpatient reimbursement at 100 percent of the fee-for-services reimbursement rate⁴⁵ and set a maximum inpatient and outpatient hospital reimbursement rate at 110 percent of the fee-for-service rate. The fiscal year 2024 Medicaid MCO capitation rates must be funded by DHCF at a level that accounts for the these directed payments. Hospitals operated by the federal government, specialty hospitals,⁴⁶ and any hospitals that serve economically underserved areas⁴⁷ are exempt from the MCO hospital reimbursement rate minimum and maximums.

By December 31, 2023, and by December 31 of each year thereafter, DHCF must publish, on its website, a report on District all-payer hospital costs.

Financial Plan Impact

The subtitle results in local Medicaid savings of \$11.3 million and federal Medicaid savings of \$26.4 million in fiscal year 2024.

⁴⁴ 42 C.F.R. § 438.

⁴⁵ In accordance with the Medicaid Hospital Inpatient Rate Supplement Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 44-664.13 et seq.).

⁴⁶ Including hospitals that are reimbursed under a specialty hospital reimbursement methodology under the Medicaid State Plan.

⁴⁷ As defined in the State Plan or as defined by the Department in the hospital’s managed care directed payment proposal.

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Subtitle (V)(C) – Child Wealth Building Amendment Act of 2023

Background

The Child Wealth Building Act of 2021⁴⁸ (and the subsequent Child Wealth Building Amendment Act of 2022 and inclusion of funding in the Fiscal Year 2022 Local Budget Act of 2021) established a Child Trust Fund, a District-funded omnibus account for children born in the District who are covered by Medicaid. The Act provided for an initial contribution for all eligible children in their birth year and additional annual deposits for each year that the child lives in the District and meets eligibility requirements until the age of 18.

The subtitle amends the Act to insert a subject-to-appropriations clause.

Financial Plan Impact

The subtitle eliminates the Act’s required deposits to the Child Trust Fund, saving \$8.815 million in fiscal year 2024 and \$54.283 million over the fiscal year 2024 to fiscal year 2027 period. The Child Trust Fund will maintain its year-end fiscal year 2022 fund balance and additional appropriations from the fiscal year 2023 budget.

Subtitle (V) (C) Child Wealth Building Act Amendment Act of 2023					
\$ (thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Savings from making the Act subject to appropriations	\$8,815	\$12,130	\$15,195	\$18,142	\$54,283

⁴⁸ D.C. Law 24-53; D.C. Official Code § 4-681.01 *et seq.*

TITLE VI – OPERATIONS AND INFRASTRUCTURE

Subtitle (VI)(A) – Alcoholic Beverage and Cannabis Board Member Compensation

Background

The Alcoholic Beverage and Cannabis Board⁴⁹ (the “Board”) controls and regulates the sale and distribution of alcoholic beverages and medical cannabis in the District through its oversight of the Alcoholic Beverage and Cannabis Administration. The Board meets weekly to adjudicate, administer and enforce all relevant alcohol and cannabis law, including ensuring the public’s health, safety and welfare. The Board reviews and approves all applications for new alcohol and medical cannabis licenses, issues policies, and refers violations of the law for investigation and prosecution.

Currently the Board consists of five members⁵⁰ plus a Chairperson. Board members are provided compensation at the rate of \$50 per hour spent in the performance of their duties, up to a maximum of \$18,000 per year. The subtitle would add a weekly stipend payment of \$250 for Board members and \$350 for the Chairperson, to the existing hourly rate.

Financial Plan Impact

The budget and financial plan includes funding for ABRA to pay the weekly stipend payments, for a total of \$83,200 per year and \$332,000 over 2024-2027.

Subtitle (VI)(B) – DC Water Facility Work Fund Amendment Act of 2023

Background

The District Department of Transportation (DDOT) performs roadway construction projects throughout the District. There are occasions where DC Water has facilities within the scope of the DDOT project and DDOT may enter into an agreement with DC Water to perform work on those facilities on behalf of DC Water during the course of the DDOT project. DC Water reimburses DDOT for any work DDOT does on its facilities.

The subtitle establishes the DC Water Facility Work Fund (Fund) as a special purpose revenue fund managed by DDOT. DDOT will deposit any revenue received from DC Water to perform work on DC Water facilities as part of a DDOT construction project pursuant to a Memorandum of Agreement between the two agencies.

Financial Plan Impact

DC Water reimbursements of DDOT work have ranged in recent years from tens of thousands of dollars to millions of dollars. The work and related costs depend on which projects DDOT has planned, if there are DC Water facilities within the scope of the project, and if DC Water agrees to have DDOT perform work on those facilities. The Fund’s establishment will allow DDOT to reach agreements prior to performing work and to access the necessary funding during the project. In the past, DDOT has spent funds out of the local Highway Trust Fund. The subtitle’s structure will allow DDOT to preserve Highway Trust Fund resources for other projects. The fiscal year 2024 through

⁴⁹ The Medical Cannabis Amendment Act of 2022 (Act A24-0798, 70 DCR 1582) changed the title of the Board from the Alcoholic Beverage Control Board to the Alcoholic Beverage and Cannabis Board, and the name of the agency from the Alcoholic Beverage Regulation Administration to the Alcoholic Beverage and Cannabis Administration.

⁵⁰ By statute, the Board is permitted to have seven members.

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fiscal year 2027 budget does not include any resources for the Fund. The Fund will receive resources when DDOT and DC Water enter into agreements and the Mayor will need to request budget authority to expend resources from the Fund at that time.

Subtitle (VI)(C) – CRIAC Assistance Fund Amendment Act of 2023

Background

In fiscal year 2020, the District established the Clean Rivers Impervious Area Charge (CRIAC) Assistance Fund (Fund)⁵¹ to support two financial assistance programs for residents and non-profit organizations related to the impervious area charges⁵² on their DC Water bills. The Department of Energy and Environment (DOEE) manages the Fund and transfers resources to DC Water to support the bill payments. In 2022, Council authorized⁵³ DOEE and DC Water to use Fund resources to assist DC Water customers more generally with their DC Water bills if they meet certain income requirements and have past due amounts that put them at risk of discontinued service.

The subtitle makes the Fund lapsing so that any unused appropriations revert to the unrestricted fund balance of the District’s General Fund. Currently, any unused funds remain in the Fund for use in subsequent years.

Financial Plan Impact

The fiscal year 2024 budget includes approximately \$1.4 million to support the CRIAC financial assistance programs and related staff. The Fund also has about \$1.4 million balance from prior fiscal years that DOEE is currently spending on the recently authorized emergency general financial assistance program. DOEE plans to expend the entirety of these funds by the end of fiscal year 2024, and the fiscal year 2024 through fiscal year 2027 budget and financial plan do not include any lapsing funds from the Fund.

Subtitle (VI)(D) – Motor Vehicle Registration Fee Abatement for Certain Disability Tags Amendment Act of 2023

Background

In fiscal year 2023 the Department of Motor Vehicles (DMV) increased vehicle registration fees so that heavier vehicles would pay higher registration fees.⁵⁴ The registration fee for Class II⁵⁵ vehicles increased from \$115 to \$175 and the fee for Class III⁵⁶ vehicles increased from \$155 to \$250.

The subtitle establishes a new Class VI vehicle class that includes any vehicle 3,500 pounds or greater that has a disability accommodation and reduces the registration fee to \$72.

⁵¹ Clean Rivers Impervious Area Charge Assistance Fund Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; D.C. Official Code § 8-151.13a).

⁵² Stormwater Permit Compliance Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-311; D.C. Official Code § 34-2202.16).

⁵³ CRIAC Assistance Temporary Amendment Act of 2022, effective February 23, 2023 (D.C. Law 23-16; 69 DCR 15129).

⁵⁴ Motor Vehicle Registration Fee Amendment Act of 2023, effective September 21, 2022 (D.C. Law 24-167; D.C. Official Code § 50-1501.03(b)).

⁵⁵ Class II vehicles weigh between 3,500 pounds and 4,499 pounds.

⁵⁶ Class III vehicles weigh 5,000 pounds or more.

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Financial Plan Impact

DMV has registered approximately 1,100 vehicles that weigh 3,500 pounds or greater and have been issued a disability special license tag. Beginning October 1, 2023, these vehicles will be eligible for the \$72 registration fee. DMV requires \$50,000 to update its system to include the new Class VI vehicle. The change will also reduce Local Fund revenue from registration fees by \$205,000 annually. These costs are included in the fiscal year 2024 through fiscal year 2027 budget and financial plan.

Subtitle (VI)(E) – Pandemic Impacts on Building Energy Performance Investments Amendment Act of 2023

Background

The District recently delayed⁵⁷ several deadlines for buildings in the District to come into compliance with the District’s Building Energy Performance Standards (BEPS). The BEPS Program requires buildings 50,000 square feet or larger,⁵⁸ 25,000 square feet or larger, and 10,000 square feet or larger to come into compliance with BEPS by January 1, 2021, January 1, 2027, and January 1, 2033, respectively. DOEE must also publish building types and the required energy performance standards for those building types by January 1, 2024 and every six years thereafter.

The subtitle delays these deadlines to January 1, 2024, January 1, 2030, and January 1, 2036 for each of the building sizes. The subtitle also delays DOEE’s start date for publishing building types and related standards to January 1, 2024.

Financial Plan Impact

The subtitle delays the deadlines by which buildings must meet BEPS and by which DOEE must establish standards. There are no costs in the fiscal year 2024 through fiscal year 2027 budget and financial plan associated with these delays.

Subtitle (VI)(F) – Parking Benefit Equivalent Amendment Act of 2023

Background

The District requires covered employers that provide their employees a parking benefit⁵⁹ to also provide those employees with a clean-air transportation fringe benefit, pay a clean-air compliance fee, or implement a transportation demand management plan. Covered employers must report to the Mayor every two years starting on October 1, 2020 the number of employees offered and utilizing parking benefits and clean-air transportation fringe benefits. The Mayor is required to aggregate this data and report it to the Council every two years beginning on October 1, 2022.⁶⁰

The subtitle imposes a start date for employers to offer alternatives to parking benefits or comply with one of the other options of January 1, 2026. The subtitle also delays the employer and Mayoral reporting deadlines to October 1, 2026 and October 1, 2027, respectively.

⁵⁷ Climate Commitment Amendment Act of 2022, effective September 21, 2022 (D.C. Law 24-176; D.C. Official Code § 8-1772.21).

⁵⁸ Including District-owned buildings with at least 10,000 square feet of gross floor area.

⁵⁹ A parking benefit is the provision of parking at no or reduced costs.

⁶⁰ Transportation Benefits Equity Amendment Act of 2020, effective June 24, 2020 (D.C. Law 23-113; D.C. Official Code § 32-152.01).

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Financial Plan Impact

The subtitle delays the deadlines by which covered employers need to offer parking benefit alternatives or meet other compliance options. There are no costs in the fiscal year 2024 through fiscal year 2027 budget and financial plan associated with these delays.

TITLE VII – FINANCE AND REVENUE

Subtitle (VII)(A) – Pooled and Master Capital Project Reallocations Act of 2023

Background

Master capital projects allow agency directors to request the Office of Budget and Planning re-allocate funds from different sub-projects within the master capital project, or between the master project and a sub-project, provided each project is owned and implemented by the same agency. The subtitle authorizes the Mayor to request the reallocation of funding from a master capital project, pooled capital project, or sub-project, to a new or existing project number, provided the scope of the new or existing capital project is consistent with the scope of the master project. Requests for reallocations from a pooled project may be made by an implementing agency, without approval of the owner agency.

Financial Plan Impact

The subtitle changes the process for reallocation of certain types of capital funding, provided it is used for the originally appropriated purpose. This does not have an impact on the overall budget and financial plan.

Subtitle (VII)(B) – Use of Excess Ballpark Fund Revenue Amendment Act of 2023

Background

The Ballpark Revenue Fund (“Ballpark Fund”) collects dedicated revenue including utility gross receipts taxes, the Ballpark Fee, and sales taxes from sales of tickets, concessions, and merchandise at the stadium. The subtitle provides that the first \$20 million of any revenue collected in the Ballpark Fund that bond financing documents do not require to be used to pay debt service may be transferred to the District’s General Fund in each of fiscal years 2023 through 2027.

Financial Plan Impact

The Ballpark Fund is projected to receive excess revenue each year, beyond required debt service. \$20 million of the excess revenue during each of fiscal years 2023 – 2027 are used to balance the proposed budget and financial plan, for a total of \$100 million over the financial plan. The balance of the projected excess revenue will be used to defease bonds, and the bonds are expected to be fully repaid during fiscal year 2027.

Subtitle (VII)(C) – Dedicated Revenue Adjustments Amendment Act of 2023

Background

The subtitle modifies several allocations of Local Funds, Dedicated Taxes and Special Purpose Revenue. First, the subtitle eliminates dedications of revenue from sports gaming (gross receipts tax and lottery-operated net revenue) to three funds: one for the Department of Behavioral Health’s Gambling Addiction Research and Treatment fund; one for the Neighborhood Safety and Engagement Fund, and one for the Early Childhood Development Fund. Second, the subtitle repeals a dedication of certain excess amounts of automated traffic enforcement (ATE) revenue to the Vision Zero Enhancement Omnibus Amendment Act. Third, the subtitle repeals a dedication of deed transfer and recordation revenue to the West End Fire Station and Library Maintenance Fund (“West End Fund”). Fourth, the subtitle limits growth in dedicated revenue to the Housing Production Trust Fund to 2% annually, beginning in fiscal year 2024. Fifth, the subtitle limits growth in dedicated taxes from parking sales or services to the Washington Metropolitan Area Transit Authority (WMATA)

operations subsidy to 2% annually. Sixth, the subtitle limits growth of dedicated sales tax revenue for the Commission on Arts and Humanities to 2% annually. Finally, the subtitle reduces required deposits of Local Funds to the Early Childhood Educator Pay Equity Fund.⁶¹

Financial Plan Impact

The subtitle reduces required local fund deposits for the Early Childhood Educator Pay Equity Fund by \$4.375 million in fiscal year 2024 and each year thereafter, for a total savings of \$17.5 million over the four-year financial plan.

The subtitle also increases local fund revenue and decreases dedicated revenue by repealing dedications of sports gaming revenue, ATE revenue and revenue dedicated to the West End Fund. Finally, the subtitle increases local fund revenue by limiting growth in dedicated revenue to WMATA operations, the Arts and Humanities Fund, and the Housing Production Trust Fund. In total, the subtitle adds to Local Fund revenue \$7 million in fiscal year 2023, \$13.9 million in fiscal year 2024 and \$77.4 million from fiscal year 2023 through fiscal year 2027.

Subtitle (VII)(C), Dedicated Revenue Adjustments Amendment Act						
Local Funds Revenue Increase; also Dedicated Revenue Decrease						
\$ in 000s						
	FY 2023	FY 2024	FY 2025	FY2026	FY 2027	Total
Repeals of Sports Gaming Dedications	\$0	\$6,855	\$6,929	\$7,053	\$7,143	\$27,980
Repeal of ATE dedication to Vision Zero	\$7,022	\$4,906	\$2,833	\$801	\$0	\$15,563
Repeal of West End Fund dedications	\$0	\$574	\$582	\$591	\$600	\$2,347
Limit dedicated revenue growth to HPTF	\$0	\$0	\$1,477	\$5,280	\$9,063	\$15,820
Limit growth in parking tax dedications to WMATA operations	\$0	\$1,429	\$2,200	\$3,009	\$3,069	\$9,707
Limit growth in sales tax dedications to Arts and Humanities	\$0	\$181	\$928	\$1,943	\$2,926	\$5,979
TOTAL	\$7,022	\$13,945	\$14,949	\$18,676	\$22,801	\$77,394

Subtitle (VII)(D) – Fiscal Stabilization Reserve Amendment Act of 2023

Background

The subtitle authorizes the Mayor to use the Fiscal Stabilization Reserve Account⁶² to fund any locally appropriated expenditures in Fiscal Year 2023. Currently, the account is required to hold 2.34 percent of the District’s General Fund operating expenses each year and can be used for: funding local expenditures during a lapse in appropriations, funding the appropriations advance to District of Columbia Public Schools and District of Columbia Charter Schools, for covering cash flow needs, and for purposes permitted for use in the Contingency Reserve Fund.⁶³

⁶¹ D.C. Official Code § 1-325.431(b)

⁶² D.C. Official Code § 47-392.02(j-1).

⁶³ D.C. Official Code § 1-204.50a(b)(4).

Financial Plan Impact

The proposed financial plan uses \$215,412,900 in General Fund balance to support fiscal year 2023 spending. The subtitle authorizes the use of this fund balance in fiscal year 2023 that would otherwise be considered part of the Fiscal Stabilization Reserve Account. Under current law⁶⁴, any undesignated year-end fund balance that is included in the annual comprehensive financial report for fiscal year 2023 will be first used to fund the Fiscal Stabilization Reserve Account (or 50% of undesignated fund balance, if the Cash Flow Reserve Account is not fully-funded at that time).

Subtitle (VII)(E) – Designated Fund Transfer Act of 2023

Background

The subtitle authorizes the District to use fund balance available in special purpose, dedicated tax, and segregated local funds as a source of funding for the proposed fiscal year 2024 through fiscal year 2026 budget and financial plan. The affected funds and transfer amounts are listed in the chart below:

FUND NAME	Amount (\$)
Employees’ Compensation Fund ⁶⁵	\$3,586,302
Fair Elections Fund ⁶⁶	\$1,054,052
SNAP Reinvestment Fund ⁶⁷	\$850,936
Student Enrollment Fund	\$112,512
Special Education Enhancement Fund ⁶⁸	\$3,291,246
Community Schools Fund ⁶⁹	\$872,867
School Safety and Positive Climate Fund ⁷⁰	\$602,606
Clean Rivers Impervious Area Charge Assistance Fund ⁷¹	\$1,417,016
Early Childhood Educator Pay Equity Fund ⁷²	\$5,396,000
Public-Private Partnership Administration Fund ⁷³	\$8,735
Eastern Market Enterprise Fund ⁷⁴	\$168,795
Recorder of Deeds Surcharge ⁷⁵	\$1,278,435
Historic Landmark - District Protection Fund ⁷⁶	\$41,851
Arts and Humanities Enterprise Fund ⁷⁷	\$755,656
Litigation Support Fund ⁷⁸	\$3,054,000
Revenue Generating Activities ⁷⁹	\$433,410

⁶⁴ D.C. Official Code § 47-392.02(j-3).

⁶⁵ D.C. Official Code § 1-623.42.

⁶⁶ D.C. Official Code § 1-1163.32i.

⁶⁷ D.C. Official Code § 1-325.421.

⁶⁸ D.C. Official Code § 38-2613

⁶⁹ D.C. Official Code § 38-754.04.

⁷⁰ D.C. Official Code § 38-236.07.

⁷¹ D.C. Official Code § 8-151.13a.

⁷² D.C. Official Code § 1-325.431.

⁷³ D.C. Official Code § 2-272.04.

⁷⁴ D.C. Official Code § 37-103.

⁷⁵ D.C. Official Code § 42-1214.

⁷⁶ D.C. Official Code § 6-1110.01.

⁷⁷ D.C. Official Code § 39-205.01.

⁷⁸ D.C. Official Code § 1-301.86b.

⁷⁹ D.C. Official Code § 39-112.

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Library Collections Account - Online Book Sales ⁸⁰	\$30,447
Copies and Printing ⁸¹	\$2,945
DC Jobs Trust Fund ⁸²	\$365,815
Apprenticeship Fees	\$243,469
Wage Theft Prevention Fund ⁸³	\$65,766
OCTFME Special Purpose Revenue Fund ⁸⁴	\$24,950
Rental Unit Fee Fund ⁸⁵	\$11,701
Basic Business License Fund ⁸⁶	\$3,083,619
Real Estate Guarantee and Education Fund ⁸⁷	\$766,140
Corporate Recordation Fund ⁸⁸	\$647,789
Real Estate Appraisal Fee ⁸⁹	\$59,321
OPLA - Special Account ⁹⁰	\$1,491
Green Building Fund ⁹¹	\$79,801
DHCD Unified Fund ⁹²	\$70,390
Industrial Revenue Bond Program Fund ⁹³	\$554,001
AWC and NCRC Development (Economic Development Special Account) ⁹⁴	\$2,061,753
Streetscape Loan Relief Fund ⁹⁵	\$5,094
Small Business Capital Access Fund ⁹⁶	\$320
FEMS Reform Fund ⁹⁷	\$8,963,038
Automated External Defibrillator Regulatory Fee Fund ⁹⁸	\$5,044
Corrections Trustee Reimbursement ⁹⁹	\$3,907,406
Correction Reimbursement - Juveniles ¹⁰⁰	\$20
Medical Examiner Pathology and Toxicology	\$322,033
DHHS Afterschool Program - Copayment ¹⁰¹	\$164,074
Student Residency Verification Fund ¹⁰²	\$368,456

⁸⁰ D.C. Official Code § 39-114.

⁸¹ D.C. Official Code § 39-105.

⁸² D.C. Official Code § 2-219.04c.

⁸³ D.C. Official Code § 32-1307.01.

⁸⁴ D.C. Official Code § 34-1252.02.

⁸⁵ D.C. Official Code § 42-3504.02.

⁸⁶ D.C. Official Code § 47-2851.13.

⁸⁷ D.C. Official Code § 42-1706.

⁸⁸ D.C. Official Code § 29-102.13.

⁸⁹ D.C. Official Code § 47-2853.154.

⁹⁰ D.C. Official Code § 47.2853.11.

⁹¹ D.C. Official Code § 6-1451.07.

⁹² D.C. Official Code § 42-2857.01.

⁹³ D.C. Official Code § 47-131.

⁹⁴ D.C. Official Code § 2-1225.21.

⁹⁵ D.C. Official Code § 1-325.191.

⁹⁶ D.C. Official Code § 2-218.75.

⁹⁷ D.C. Official Code § 5-416.

⁹⁸ D.C. Official Code § 7-2371.04.

⁹⁹ D.C. Official Code § 1-325.21.

¹⁰⁰ D.C. Official Code § 1-325.21.

¹⁰¹ D.C. Official Code § 4-405.

¹⁰² D.C. Official Code § 38-312.02.

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Child Development Facilities Fund ¹⁰³	\$221,709
State Athletic Acts Program and Office Fund ¹⁰⁴	\$110,840
Enterprise Fund Account ¹⁰⁵	\$1,103,210
Board of Medicine ¹⁰⁶	\$4,702,061
Opioid Abatement Fund ¹⁰⁷	\$2,082,410
Pharmacy Protection ¹⁰⁸	\$1,597,891
SHPDA Fees ¹⁰⁹	\$1,220,612
SHPDA Admission Fee ¹¹⁰	\$82,961
DOH - Regulatory Enforcement Fund	\$20,170
ICF/MR Fees and Fines ¹¹¹	\$18,205
Non-Lapsing Spay and Neutering Fund ¹¹²	\$696
Individual Insurance Market Affordability and Stability Fund ¹¹³	\$2,979,384
Medicaid Recovery Audit Contractor ¹¹⁴	\$1,401
SSI Payback ¹¹⁵	\$389,552
Tree Fund ¹¹⁶	\$2,006,598
Vision Zero Pedestrian and Bicycle Safety ¹¹⁷	\$1,468,853
DDOT Enterprise Fund – Non-Tax Revenues ¹¹⁸	\$738,532
DC Circulator Bus System - NPS Mall Route ¹¹⁹	\$651,776
DC Circulator Bus System ¹²⁰	\$609,979
Parking Meter WMATA ¹²¹	\$3,331,803
Sustainable Energy Trust Fund ¹²²	\$3,000,000
Pesticide Registration Fund ¹²³	\$394,654
Underground Storage Tank Regulation Fund ¹²⁴	\$199,436
Lead Poisoning Prevention Fund ¹²⁵	\$135,000
Storm Water Fees ¹²⁶	\$54,935
Storm Water In Lieu Fee ¹²⁷	\$45,418

¹⁰³ D.C. Official Code § 7-2036.01.

¹⁰⁴ D.C. Official Code § 38-2671 through § 38-2674.

¹⁰⁵ D.C. Official Code § 10-303.

¹⁰⁶ D.C. Official Code § 3-1205.05 and 7-731.

¹⁰⁷ D.C. Official Code § 1-325.441.

¹⁰⁸ D.C. Official Code § 7-733.02.

¹⁰⁹ D.C. Official Code § 44-420.

¹¹⁰ D.C. Official Code § 44-420.01.

¹¹¹ D.C. Official Code § 47-1271.

¹¹² D.C. Official Code § 8-1810.01.

¹¹³ D.C. Official Code § 47-5107.

¹¹⁴ D.C. Official Code § United States Code, Title 42, Section 1396a.

¹¹⁵ D.C. Official Code § 4-204.07.

¹¹⁶ D.C. Official Code § 8-651.07.

¹¹⁷ D.C. Official Code § 50-921.20.

¹¹⁸ D.C. Official Code § 50-921.13.

¹¹⁹ D.C. Official Code § 50-921.32.

¹²⁰ D.C. Official Code § 50-921.33.

¹²¹ D.C. Official Code § 50-2603.

¹²² D.C. Official Code § 8-1774.10.

¹²³ D.C. Official Code § 8-438.01.

¹²⁴ D.C. Official Code § 8-113.05a

¹²⁵ D.C. Official Code § 8-231.09a.

¹²⁶ D.C. Official Code § 7-731.

¹²⁷ D.C. Official Code § 8-103.09b.

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Benchmarking Enforcement Fund ¹²⁸	\$23,627
Soil Erosion/Sediment Control ¹²⁹	\$12,674
Solid Waste Disposal Fee Fund	\$4,352,582
Super Can Program ¹³⁰	\$21,746
Solid Waste Diversion Fund ¹³¹	\$20,082
Motor Vehicle Inspection Station ¹³²	\$196,545
ABC - Import and Class License Fees ¹³³	\$524,029
Subrogation Fund ¹³⁴	\$444,387
Captive Insurance Fund ¹³⁵	\$248,048
Agreements with Independent Agencies	\$44,208
Foreclosure Mediation Fund ¹³⁶	\$3,700
HMO Assessment ¹³⁷	\$2,662
Public Vehicles for Hire Consumer Service Fund ¹³⁸	\$137,037
Prepaid Wireless 911 Charges ¹³⁹	\$600,275
911 and 311 Assessments ¹⁴⁰	\$41,016
Office of Veterans Affairs Fund ¹⁴¹	\$15,000
West End Library / Firehouse Maintenance Fund ¹⁴²	\$2,129,112
St Elizabeths East Campus Redevelopment ¹⁴³	\$444,165
Healthy Schools Fund ¹⁴⁴	\$181,021
Gambling Addiction Treatment & Research ¹⁴⁵	\$600,000
WMATA Operating ¹⁴⁶	\$739,138
Alcoholic Beverage Regulation Administration ¹⁴⁷	\$366,728
Ballpark Fund ¹⁴⁸	\$24,834,000

Financial Plan Impact

The subtitle provides approximately \$107.8 million to balance the proposed fiscal year 2024 through fiscal year 2027 budget and financial plan.

¹²⁸ D.C. Official Code § 6-1451.07a.

¹²⁹ D.C. Official Code § 8-103.09c.

¹³⁰ D.C. Official Code § 8-701.

¹³¹ D.C. Official Code § 8-1031.12.

¹³² D.C. Official Code § 50-1101.

¹³³ D.C. Official Code § 25-210.

¹³⁴ D.C. Official Code § 1-325.391.

¹³⁵ D.C. Official Code § 1-307.91.

¹³⁶ D.C. Official Code § 42-815.03.

¹³⁷ D.C. Official Code § 7-771.05a.

¹³⁸ D.C. Official Code § 50-301.20.

¹³⁹ D.C. Official Code § 34-1802.

¹⁴⁰ D.C. Official Code § 34-1803.

¹⁴¹ D.C. Official Code § 49-1001 - § 49-1006.

¹⁴² D.C. Official Code § 1-325.181.

¹⁴³ D.C. Official Code § 1-325.361.

¹⁴⁴ D.C. Official Code § 38-821.02.

¹⁴⁵ D.C. Official Code § 36-621.15.

¹⁴⁶ D.C. Official Code § 1-325.401.

¹⁴⁷ D.C. Official Code § 34-1803.

¹⁴⁸ D.C. Official Code § 10-1601.02.

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Subtitle (VII)(F) – Subject to Appropriations Repeals

Background

The subtitle authorizes expenditures for laws, and portions of laws (see table below) which were passed subject to appropriations. The costs for the Second Chance Amendment Act have been included in the proposed financial plan, and the applicable section of the Public Restroom Facilities Installation and Promotion Act of 2018 does not have a cost.

Financial Plan Impact

The costs that have been funded in the budget and financial plan are listed below for each law or act that will become effective under the subtitle:

Subtitle (VII)(F), Subject to Appropriations Repeals					
Fiscal Year 2024 – Fiscal Year 2027					
(\$ in thousands)					
Act Name	FY 2024	FY 2025	FY 2026	FY 2027	Total
Second Chance Amendment Act of 2022 ¹⁴⁹	\$0	\$300	\$3,311	\$3,259	\$6,870
Public Restroom Facilities Installation and Promotion Act of 2018 ^{150,151} (partial repeal)	\$0	\$0	\$0	\$0	\$0

¹⁴⁹ Effective April 11, 2019 (D.C. Law 22-287; 66 DCR 1650).

¹⁵⁰ Effective April 11, 2019 (D.C. Law 22-280; D.C. Official Code § 10-1052 et seq.).

¹⁵¹ Establishing the Public Restroom Working Group does not have a cost. Section 3(d)–(g) remain subject to appropriations.